

## DEPARTMENT OF HEALTH SERVICES

714/744 P STREET

BOX 942732

SACRAMENTO, CA 94234-7320

(916) 322-1478



August 13, 1993

CMSP Letter 93-10

TO: All CMSP County Welfare Directors

SUBJECT: CMSP ELIGIBILITY AND INSTITUTIONAL STATUS

Recently, the State Medi-Cal Program in a series of All County Welfare Directors letters (93-41, 93-42, and 93-46) clarified several Medi-Cal policies related to "Institutional Status". The purpose of this letter is to clarify the current County Medical Services Program (CMSP) policies related to Institutional Status issues.

**HOME DETENTION/HOUSE ARREST (MEDI-CAL LETTER 93-41)**

Individuals under either home detention or house arrest are eligible for Medi-Cal benefits. At this time, such individuals will remain ineligible for the CMSP.

Counties should be aware that, while this represents no change to the longstanding CMSP policy, the policy is under further review.

**DEFINITION OF "INMATE" (MEDI-CAL LETTER 93-42)**

Both the Medi-Cal and CMSP programs have determined the following adults to be ineligible due to Institutional Status.

1. An inmate in a prison
2. An inmate of a county, city, or tribal jail.
3. An inmate in a prison or jail:
  - A. Prior to arraignment
  - B. Prior to conviction.
  - C. Prior to sentencing.
4. An individual who is incarcerated, but can leave prison or jail on work release or work furlough and must return at specific intervals.
5. Individuals released from prison or jail due to a medical emergency who would otherwise be incarcerated but for the medical emergency.

All CMSP County Welfare Directors

Page 2

August 13, 1993

The CMSP also considers persons under home detention or house arrest to be ineligible. Further, an individual who, after arrest, but prior to booking, is escorted by police to a hospital for medical treatment and held under guard is ineligible for the CMSP. Conversely, individuals who are released or not arrested are eligible for the CMSP.

SENATE BILL 1559, CHAPTER 697 (MEDI-CAL LETTER 93-46)

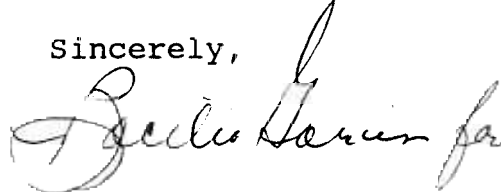
This recently enacted law states in Section 26605.5 of the Government Code:

"...(a) the Sheriff has the authority, after conferring with a Physician who is neither a county employee nor under a pre-existing contract with the county, to release from a county correctional facility for transfer to a medical facility or residential care facility, a prisoner whose physical condition, in the opinion of the examining physician, is such that he or she is rendered incapable of causing harm to others upon or after release from custody...."

Both Medi-Cal and the CMSP interpret "release from a county correctional facility" to mean a permanent release and "transfer to a medical facility or residential care facility" to mean admission of the individual as an inpatient.

If you have any questions regarding these issues, please contact Mr. Al Cooper of the CMSP Unit at (916) 322-1615.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jim Martinez", written in dark ink.

Jim Martinez, Chief  
County Medical Services Program

cc: CMSP Contact Persons